1	NICHOLAS A. TRUTANICH, NSBN 13644 United States Attorney			
2	District of Nevada TINA NAICKER, CSBN 252766			
3	Special Assistant United States Attorney 160 Spear Street, Suite 800			
4	San Francisco, California 94105 Telephone: (415) 268-5611			
5	Facsimile: (415) 744-0134			
6	E-Mail: Tina.Naicker@SSA.gov			
7	Attorneys for Defendant			
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10	UNITED STATES DISTRICT COURT			
11	DISTRICT OF NEVADA			
12	SHEYLA M. FRIAS,	C N- 2-10 00007 CMN DAI		
13	Plaintiff,	Case No. 2:18-cv-00987-GMN-PAL		
14	v. )	DEFENDANT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT AND FILE CERTIFIED		
15	NANCY A. BERRYHILL,	ADMINISTRATIVE RECORD.		
16	Acting Commissioner of Social Security, )			
17	Defendant.			
18				
19	Defendant, the Acting Commissioner of Social Security (the "Commissioner"), respectfully			
20	moves for a 30 day extension of time to respond to Plaintiff's Complaint and file the Certified			
21	Administrative Record (CAR). The current due date was January 28, 2019. The new due date for			
	Defendant's response and filing of the CAR would be on <u>February 27, 2019</u> . This is Defendant's			
22	first request for extension of time.			
23	Good cause exists to extend the current deadline because Defendant needs additional time to			
24	prepare a paper copy of the CAR and serve Plaintiff. (Declaration of Tina Naicker (Naicker Decl.) at			
<ul><li>25</li><li>26</li></ul>	¹ Counsel apologizes for the belated request for extension, but due to a technical and/or administrative error, did not properly calendar Defendant's response. Counsel sought to move for an extension of time as soon as she discovered the error (Naicker Decl. at ¶ 2)  Motion for Extension of Time to File Answer and CAR; Case No. 2:18-cv-00987-GMN-PAL			

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1	¶ 2). Under current agency guidelines, instead of the electronic copy of the CAR, because Plaintiff is		
2	pro see in this matter, the agency is required to prepare a separate paper copy to file and serve to		
3	Plaintiff (Naicker Decl. at ¶ 3). Counsel attempted to reach Plaintiff by telephone on January 29,		
4	2019, but could not reach Plaintiff as the call failed, despite repeated attempts to reach her ( $Id$ . at $\P$ 4)		
5	To the extent the Motion is not granted, Defendant will not be able to provide a copy of the CAR to		
6	Plaintiff in order for her to prepare her Motion for Summary Judgment. (Id. at ¶ 5). Defendant make		
7	this request in good faith with no intention to unduly delay the proceedings. Defendant respectfully		
8	requests that the Scheduling Order be modified accordingly.		
9	Respectfully submitted this 29th day of January 2019,		
10	NIGHOLAGA TRUTANIGU		
11	NICHOLAS A. TRUTANICH United States Attorney		
12	/s/ Tina L. Naicker		
13	TINA L. NAICKER Special Assistant United States Attorney		
14	Attorneys for Defendant		
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**CERTIFICATE OF SERVICE** I, TINA L. NAICKER, certify that the following individual was served with a copy of the DEFENDANT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT AND FILE CERTIFIED ADMINISTRATIVE RECORD on the date and via the method of service identified below: By U.S. Mail on January 30, 2019: Sheyla M. Frias 6320 Alderlyn Ave Las Vegas, NV 89122 Attorneys for Plaintiff Respectfully submitted this 29th day of January 2019, /s/ Tina L. Naicker TINA L. NAICKER Special Assistant United States Attorney 

1 2 3 4 5 6 7 8	NICHOLAS A. TRUTANICH, NSBN 13644 United States Attorney District of Nevada TINA NAICKER, CSBN 252766 Special Assistant United States Attorney 160 Spear Street, Suite 800 San Francisco, California 94105 Telephone: (415) 268-5611 Facsimile: (415) 744-0134 E-Mail: Tina.Naicker@SSA.gov Attorneys for Defendant			
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10	UNITED STATES DISTRICT COURT			
11	DISTRICT OF NEVADA			
12	SHEYLA M. FRIAS,	Case No. 2:18-cv-00987-GMN-PAL		
13	Plaintiff,	) ) DECLARATION OF TINA L. NAICKER IN ) SUPPORT OF DEFENDANT'S MOTION FOR ) EXTENSION OF TIME TO RESPOND TO		
14	v. )			
15	NANCY A. BERRYHILL, Acting Commissioner of Social Security,	PLAINTIFF'S COMPLAINT AND FILE CERTIFIED ADMINISTRATIVE RECORD.		
16	Defendant.	CERTIFIED ADMINISTRATIVE RECORD.		
17	Defendant.			
18	DECLARATION	ON OF TINA L. NAICKER		
19	I, Tina L. Naicker, declare, as follows:			
20	I am an Assistant Regional Couns	sel for the Office of the General Counsel, Region IX,		
21	Social Security Administration. I am Special Assistant United States Attorney assigned to the			
22	Northern District of California, and am the primary attorney handling the defense of this matter. I			
23	make this Declaration on personal knowledge of the facts and circumstances herein and if called to			
24	testify could and would do so competently.			
25	2. On August 21, 2018, Plaintiff filed her complaint (Dkt. 7). Defendant was served on			
26	November 27, 2018. As such, the deadline for Defendant to respond to Plaintiff's Complaint and file			
	Decl. of TLN ISO Motion for Extension of Time to File A	Answer and CAR; Case No. 2:18-cv-00987-GMN-PAL		

and serve a copy of the Certified Administrative Record (CAR) was on January 28, 2019. Due to a calendaring and/or technical error, I did not accurately calendar Defendant's response time and upon learning the error, I immediately sought an extension of time. Defendant is respectfully requesting additional time to prepare a paper copy of the CAR and serve Plaintiff.

- 3. Under current agency guidelines, instead of the electronic copy of the CAR, because Plaintiff is pro see in this matter, the agency is required to prepare a separate paper copy to file and serve to Plaintiff. As such, additional time is required in order to prepare a paper copy of the CAR to serve Plaintiff.
- 4. I attempted to reach Plaintiff by telephone on January 29, 2019, but each attempt resulted in "Call Failed" and I was not able to reach her by the telephone number listed on the docket. I have no reason to believe that Plaintiff would object to the requested relief and will suffer no prejudice as a result of the request for extension.
- 5. To the extent the Motion is not granted, Defendant will not be able to provide a copy of the paper CAR to Plaintiff in order for her to prepare her Motion for Summary Judgment.
- 6. The current due date for Defendant's time to respond to Plaintiff's complaint was January 28, 2019. The new due date for Defendant to file her response and CAR would be <u>February</u> 27, 2019. Defendant respectfully requests that the Court's scheduling order be modified accordingly.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the above statements are true and correct.

DATED: January 29, 2019 /s/ Tina Naicker

Decl. of TLN ISO Motion for Extension of Time to File Answer and CAR; Case No. 2:18-cv-00987-GMN-PAL

1 **CERTIFICATE OF SERVICE** I, TINA L. NAICKER, certify that the following individual was served with a copy of the 2 3 DECLARATION OF TINA L. NAICKER IN SUPPORT OF DEFENDANT'S MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT AND FILE 4 CERTIFIED ADMINISTRATIVE RECORD on the date and via the method of service identified below: 5 6 By U.S. Mail on January 30, 2019: 7 Sheyla M. Frias 8 6320 Alderlyn Ave Las Vegas, NV 89122 9 Attorneys for Plaintiff 10 Respectfully submitted this 29th day of January 2019, 11 12 /s/ Tina L. Naicker 13 TINA L. NAICKER Special Assistant United States Attorney 14 15 16 17 18 19 20 21 22 23 24 25 26

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4	UNITED STAT	ES DISTRICT COURT		
5	DISTRICT OF NEVADA			
6	SHEYLA M. FRIAS,	) Case No. 2:18-cv-00987-GMN-PAL		
7 8	Plaintiff, v.	) ) [PROPOSED] ORDER GRANTING ) DEFENDANT'S MOTION FOR EXTENSION OF TIME TO DESPOND TO BLAINTIEE'S		
9	NANCY A. BERRYHILL, Acting Commissioner of Social Security,	OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT AND FILE CERTIFIED ADMINISTRATIVE RECORD.		
10 11	Defendant.	) )		
12	[PROPOSED] ORDER			
13	For good cause appearing therein, IT IS HEREBY ORDERED that the Motion for Extension			
14	of Time for Defendant to Respond to Plaintiff's Complaint and File Certified Administrative Record i			
15	hereby GRANTED. Plaintiff shall file her motion for summary judgment on or before <u>February 27</u> ,			
16	2019. All other deadlines shall be extended accordingly.			
17	IT IS SO ORDERED.			
18 19	Dated: January 31, 2019	CRABLE PEGGY A. LEEN		
20		ates District Court Magistrate Judge		
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**CERTIFICATE OF SERVICE** I, TINA L. NAICKER, certify that the following individual was served with a copy of the [PROPOSED] ORDER GRANTING MOTION FOR EXTENSION OF TIME TO RESPOND TO PLAINTIFF'S COMPLAINT AND FILE CERTIFIED ADMINISTRATIVE RECORD on the date and via the method of service identified below: By U.S. Mail on January 30, 2019: Sheyla M. Frias 6320 Alderlyn Ave Las Vegas, NV 89122 Attorneys for Plaintiff Respectfully submitted this 29th day of January 2019, /s/ Tina L. Naicker TINA L. NAICKER Special Assistant United States Attorney